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HAWAII LABOR
RELATIONS BOARD

Attorneys for Director of Labor
and Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of DIRECTOR,
DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS,

Complainant,

vs.

GREENWELL FARMS, INC.,

Respondent.

) CASE NO. OSH 2010-4
) (Inspection No. 313077562)
)
) STIPULATION AND SETTLEMENT
) AGREEMENT; EXHIBIT A; APPROVAL
) AND ORDER
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STIPULATION AND SETTLEMENT AGREEMENT

Complainant Director of Labor and Industrial Relations ("Director") and Respondent GREENWELL FARMS, INC. ("Respondent") having reached a full and complete settlement of the above-captioned contested case presently pending before the Hawaii Labor Relations Board ("Board") stipulate and agree as follows:

On or about August 3, 2009, the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located at 81-6581 Mamalahoa Highway, Kealahou, Hawaii, 96750.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty on December 18, 2009 ("Citation") to Respondent alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$7,350.00. *See* Exhibit A.

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").
2. At all relevant times, Respondent maintained a workplace at 81-6581 Mamalahoa Highway, Kealahou, Hawaii, 96750.
3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.
4. Respondent has abated each violation listed in the Citation in compliance with the abatement requirements under Hawaii Administrative Rule § 12-51-22.
5. The violations and corresponding characterizations as stated in the Citation are affirmed. *See* Exhibit A.
6. The Director reduces the aggregate penalty from \$7,350.00 to \$7,175.00 which shall be paid in full to the Director of Budget and Finance upon the execution of this Agreement.
7. Except for the stipulated amendments described above, the Citation is confirmed in all other respects and upon approval by the Board, this Agreement and the Citation, as amended, shall become a final order of the Director.

8. If Respondent fails to fulfill any condition of this Agreement within the time stated, then, Respondent shall automatically and without further notice be liable for the entire original penalty in the amount of \$7,350.00. All amounts shall be immediately due and owing. If Respondent fails to pay all penalties and the Director institutes legal action to collect on the outstanding amount due, Respondent agrees to pay all fees and costs, including reasonable attorney's fees, incurred to collect on the unpaid penalties. Any forbearance by the Director in exercising any right or remedy shall not be a waiver of or preclude the exercise of any right or remedy.

9. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

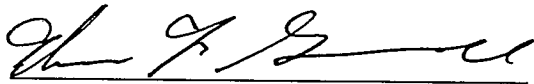
10. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.

11. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.

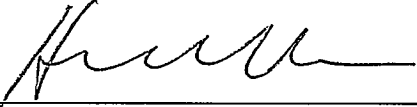
12. Upon approval of this Agreement, all proceedings before the Board shall be dismissed.

DATED: Honolulu, Hawaii, APR 14 2010.

GREENWELL FARMS, INC.

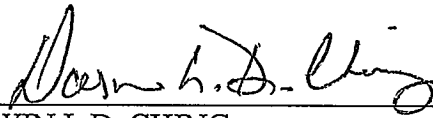
By: 
Its

APPROVED AS TO FORM:



HERBERT B.K. LAU
Deputy Attorney General
Attorney for Director of Labor and
Industrial Relations, State of Hawaii

DIRECTOR OF LABOR AND
INDUSTRIAL RELATIONS



DARWIN L.D. CHING

APPROVED AND SO ORDERED BY
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 386

DATED: April 14, 2010



JAMES B. NICHOLSON, Chair



SARAH R. HIRAKAMI, Member

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 425
HONOLULU, HI 96813
Phone: (808)586-9110 FAX: (808)586-9104



Certified Number: 7006 2150 0004 4122 0334

Citation and Notification of Penalty

To:

Greenwell Farms Inc
and its successors
P O Box 248
Kealahou, HI 96750

Inspection Number: 313077562 (Charles Clark)
Inspection Date(s): 08/03/2009- 08/03/2009
Issuance Date: 12/18/2009
OSHA ID: X8851
Optional Report No.: 06609
Inspection Type: Programmed Planned
Scope of Inspection: Comprehensive Inspection

Inspection Site:

81-6581 Mamalahou Hwy
Kealahou, HI 96750

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty describes violations of the Hawaii Occupational Safety and Health Law. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you mail a notice of contest to the State of Hawaii Occupational Safety and Health Division (HIOSH) at the address shown above. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as provided for in the Law or, if contested, unless this Citation is affirmed by the Hawaii Labor Relations Board (HLRB) or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Administrator during the 20 calendar day contest period. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Administrator within 20 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5, Notice to Employees, next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Employers' Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Administrator in writing that you intend to contest the citation(s) and/or penalty(ies) within 20 calendar days after receipt, the citation(s) and the penalty(ies) will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency. Once a letter of contest is received, it becomes the jurisdiction of the HLRB.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number on the remittance.

HIOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For each violations which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by Section 12-51-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown above and postmarked within 20 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data - You should be aware that OSHA publishes information on inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

DARWIN L.D. CHING, DIRECTOR
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 425
HONOLULU, HI 96813

Greenwell Farms Inc
P O Box 248
Kealahou, HI 96750

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

I attest that the information contained in this document is accurate and that the affected employees and their
representatives have been informed of the abatement activities described in this certification.

Signature

Typed or Printed Name

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with HIOSH to discuss the citation(s) issued on 12/18/2009. The conference will be held at the HIOSH office located at 830 PUNCHBOWL STREET, ROOM 425, HONOLULU, HI, 96813 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077562
Inspection Dates: 08/03/2009 - 08/03/2009
Issuance Date: 12/18/2009



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 1 Item 1 Type of Violation: Serious

HAR §12-60-2(a)(3) was violated because:

An International Dump truck #789HAF was not provided with operational seat belts and was also missing the front wind shield.

§12-60-2(a)(3) states "Every employer shall provide safe work places and practices by elimination or reduction of existing or potential hazards. Elimination of existing or potential hazards by design, process substitution, or other appropriate methods is preferred because it eliminates the need for further employee protection. When elimination is not feasible, reduction of existing or potential hazards to acceptable levels, using methods such as engineering or administrative controls, isolation, or guarding, shall be promptly used. When these methods are inadequate to reach acceptable levels, personal protective equipment shall be provided and used."

Location: Establishment

Date By Which Violation Must be Abated:	12/22/2009
Penalty:	\$ 875.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077562

Inspection Dates: 08/03/2009 - 08/03/2009

Issuance Date: 12/18/2009



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc

Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakakua, HI 96750

Citation 1 Item 2 Type of Violation: Serious

29 CFR 1910.134(c)(2)(ii) [Refer to chapter 12-64.1, HAR] was violated because:

An employee who was issued and wears a 3M cartridge respirator while conducting spraying operations was not provided with the required medical evaluation.

29 CFR 1910.134(c)(2)(ii) states "In addition, the employer must establish and implement those elements of a written respiratory protection program necessary to ensure that any employee using a respirator voluntarily is medically able to use that respirator, and that the respirator is cleaned, stored, and maintained so that its use does not present a health hazard to the user. Exception: Employers are not required to include in a written respiratory protection program those employees whose only use of respirators involves the voluntary use of filtering facepieces (dust masks)."

Location: Establishment

Date By Which Violation Must be Abated:

01/20/2010

Penalty:

\$ 875.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 1 Item 3 Type of Violation: Serious

29 CFR 1910.23(c)(1) [Refer to chapter 12-72.1, HAR] was violated because:

- A) The elevated working platform that was 5.5 to 6.5 feet above the lower level was not provided with midrailings.
- B) The elevated walking platform that was 5 feet above the lower level was not provided with midrailings.

29 CFR 1910.23(c)(1) states "Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides,

- (i) Persons can pass,
- (ii) There is moving machinery, or
- (iii) There is equipment with which falling materials could create a hazard."

Location: A) Wet Mill Pulping area
B) Fermentation tank

Date By Which Violation Must be Abated:

01/05/2009

Penalty:

\$ 700.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.253(b)(2)(iv) [Refer to chapter 12-78.2, HAR] was violated because:

Two compressed gas cylinders that were not secured from tipping over did not have the valve protection caps in place.

29 CFR 1910.253(b)(2)(iv) states "Valve protection caps, where cylinder is designed to accept a cap, shall always be in place, hand-tight, except when cylinders are in use or connected for use."

Location: Maintenance shop

Date By Which Violation Must be Abated:	12/22/2009
Penalty:	\$ 700.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

The alleged violations below (5a-5c) have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 5a Type of Violation: **Serious**

29 CFR 1910.213(c)(1) [Refer to chapter 12-80.1, HAR] was violated because:

A Powermatic table saw used to rip lumber for form work was not provided with a blade guard.

29 CFR 1910.213(c)(1) states "Each circular hand-fed rip saw shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut. The hood and mounting shall be arranged so that the hood will automatically adjust itself to the thickness of and remain in contact with the material being cut but it shall not offer any considerable resistance to insertion of material to saw or to passage of the material being sawed. The hood shall be made of adequate strength to resist blows and strains incidental to reasonable operation, adjusting, and handling, and shall be so designed as to protect the operator from flying splinters and broken saw teeth. It shall be made of material that is soft enough so that it will be unlikely to cause tooth breakage. The hood shall be so mounted as to insure that its operation will be positive, reliable, and in true alignment with the saw; and the mounting shall be adequate in strength to resist any reasonable side thrust or other force tending to throw it out of line."

Location: Maintenance Shop

Date By Which Violation Must be Abated:	12/28/2009
Penalty:	\$ 875.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 1 Item 5b Type of Violation: Serious

29 CFR 1910.213(c)(2) [Refer to chapter 12-80.1, HAR] was violated because:

A Powermatic table saw used to cut lumber for formwork was not provided with a spreader.

29 CFR 1910.213(c)(2) states "Each hand-fed circular rip saw shall be furnished with a spreader to prevent material from squeezing the saw or being thrown back on the operator. The spreader shall be made of hard tempered steel, or its equivalent, and shall be thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the saw even when either the saw or table is tilted. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. On the completion of such operations, the spreader shall be immediately replaced."

Location: Maintenance Shop

Date By Which Violation Must be Abated:

12/28/2009

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077562
Inspection Dates: 08/03/2009 - 08/03/2009
Issuance Date: 12/18/2009



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 1 Item 5c Type of Violation: **Serious**

29 CFR 1910.213(c)(3) [Refer to chapter 12-80.1, HAR] was violated because:

A Powermatic table saw used to cut lumber for formwork was not provided with an anti-kickback device.

29 CFR 1910.213(c)(3) states "Each hand-fed circular rip saw shall be provided with nonkickback fingers or dogs so located as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thicknesses of materials being cut."

Location: Maintenance shop

Date By Which Violation Must be Abated:

12/28/2009

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077562
Inspection Dates: 08/03/2009 - 08/03/2009
Issuance Date: 12/18/2009



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakakua, HI 96750

Citation 1 Item 6 Type of Violation: Serious

29 CFR 1910.215(b)(9) [Refer to chapter 12-80.1; HAR] was violated because:

An Abrasive wheel grinder with two abrasive grinding wheels was missing the adjustable tongue on one side, and the other side had a distance of 2.5 inches between the wheel periphery and adjustable tongue.

29 CFR 1910.215(b)(9) states "Exposure adjustment. Safety guards of the types described in Subparagraphs (3) and (4) of this paragraph, where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in paragraphs (b)(3) and (4) of this section shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See Figures O-18, O-19, O-20, O-21, O-22, and O-23.)"

Location: Maintenance shop

Date By Which Violation Must be Abated:	12/28/2009
Penalty:	\$ 700.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

The alleged violations below (7a & 7b) have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 7a Type of Violation: Serious

29 CFR 1910.219(d)(1) [Refer to chapter 12-80.1, HAR] was violated because:

Two pulleys were not provided with any guards to prevent employees from coming in contact with the unguarded belts and pulleys.

29 CFR 1910.219(d)(1) states "Guarding. Pulleys, any parts of which are seven (7) feet or less from the floor or working platform, shall be guarded in accordance with the standards specified in paragraphs (m) and (o) of this section. Pulleys serving as balance wheels (e.g., punch presses) on which the point of contact between belt and pulley is more than six feet six inches (6 ft. 6 in.) from the floor or platform may be guarded with a disk covering the spokes."

Location: Dryer #2

Date By Which Violation Must be Abated:
Penalty:

12/22/2009
\$ 875.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 1 Item 7b Type of Violation: Serious

29 CFR 1910.219(e)(3)(i) [Refer to chapter 12-80.1, HAR] was violated because:

Two vertical belts were not guarded.

29 CFR 1910.219(e)(3)(i) states "Vertical and inclined belts.

(i) Vertical and inclined belts shall be enclosed by a guard conforming to standards in paragraphs (m) and (o) of this section."

Location: Dryer #2

Date By Which Violation Must be Abated:

12/22/2009

Citation 1 Item 8 Type of Violation: Serious

29 CFR 1910.304(g)(5) [Refer to chapter 12-89.1, HAR] was violated because:

1. A ground pin was missing on the attachment plug to a 3-wire Makita 955mm portable cut off saw.
2. A 3-wire orange flexible extension cord supplying power to a 3-wire freezer was missing its ground pin on the attachment plug.

29 CFR 1910.304(g)(5) states "Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent and continuous."

Location: Maintenance shop

Date By Which Violation Must be Abated:

12/22/2009

Penalty:

\$ 875.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Māmalahōa Hwy, Kelalakekua, HI 96750

The alleged violations below (9a & 9b) have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 9a Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii) [Refer to chapter 12-89.1, HAR] was violated because:

- A) Two circuit breaker panels had unused openings. One panel had one unused opening and another panel had two unused openings.
- B) A circuit breaker panel had three unused openings in the panel.

29 CFR 1910.305(b)(1)(ii) states "Unused openings in cabinets, boxes, and fittings shall be effectively closed."

Location: A) Wet Mill
B) Drying area

Date By Which Violation Must be Abated:	12/22/2009
Penalty:	\$ 875.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 1 Item 9b Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i) [Refer to chapter 12-89.1, HAR] was violated because:

A temperature control sensor box was missing the cover.

29 CFR 1910.305(b)(2)(i) states "All pull boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear."

Location: Dryer #6

Date By Which Violation Must be Abated:

12/22/2009

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077562
Inspection Dates: 08/03/2009 - 08/03/2009
Issuance Date: 12/18/2009



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 2 Item 1 Type of Violation: Other

HAR §12-60-2(b)(3) was violated because:

Periodic in-house safety and health inspections were not conducted of the facilities.

§12-60-2(b)(3) states "Periodic inspections. The employer shall conduct periodic in-house safety & health inspections so that new or previously missed hazards or failures in engineering, work practice, and administrative controls are identified. The in-house inspections will be conducted by individuals who are trained to recognize hazardous conditions, as members of the safety and health committee or a person designated and trained by the employer for the facility's safety and health program."

Location: Establishment

Date By Which Violation Must be Abated:
Penalty:

01/20/2010
\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 2 Item 2 Type of Violation: Other

29 CFR 1910.134(c)(2)(i) [Refer to chapter 12-64.1, HAR] was violated because:

An employee using a 3M cartridge respirator on a voluntary basis was not provided with the information contained in Appendix D.

29 CFR 1910.134(c)(2)(i) states "An employer may provide respirators at the request of employees or permit employees to use their own respirators, if the employer determines that such respirator use will not in itself create a hazard. If the employer determines that any voluntary respirator use is permissible, the employer shall provide the respirator users with the information contained in Appendix D to this section ("Information for Employees Using Respirators When Not Required Under the Standard")."

Location: Establishment

Date By Which Violation Must be Abated:
Penalty:

12/28/2009
\$ 0.00



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 2 Item 3 Type of Violation: Other

29 CFR 1910.134(c)(2)(ii) [Refer to chapter 12-64.1, HAR] was violated because:

A written respirator program for voluntary respirator use was not developed or implemented.

29 CFR 1910.134(c)(2)(ii) states "In addition, the employer must establish and implement those elements of a written respiratory protection program necessary to ensure that any employee using a respirator voluntarily is medically able to use that respirator, and that the respirator is cleaned, stored, and maintained so that its use does not present a health hazard to the user. Exception: Employers are not required to include in a written respiratory protection program those employees whose only use of respirators involves the voluntary use of filtering facepieces (dust masks)."

Location: Establishment

Date By Which Violation Must be Abated:
Penalty:

12/28/2009
\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 2 Item 4 Type of Violation: Other

29 CFR 1910.23(d)(1)(ii) [Refer to chapter 12-72.1, HAR] was violated because:

The five riser stairway to the modular mail order trailer was not provided with standard stair railings.

29 CFR 1910.23(d)(1)(ii) states "On stairways less than 44 inches wide having one side open, at least one stair railing on open side."

Location: Modular Mail order trailer

Date By Which Violation Must be Abated:	12/28/2009
Penalty:	\$ 0.00

Citation 2 Item 5 Type of Violation: Other

29 CFR 1910.106(d)(2)(i) [Refer to chapter 12-74.1, HAR] was violated because:

A red 2.5 gallon portable fuel container was missing the cap.

29 CFR 1910.106(d)(2)(i) states "General. Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by chapter I, title 49 of the Code of Federal Regulations (regulations issued by the Hazardous Materials Regulations Board, Department of Transportation), shall be deemed to be acceptable."

Location: Maintenance shop

Date By Which Violation Must be Abated:	12/22/2009
Penalty:	\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 2 Item 6 Type of Violation: Other

29 CFR 1910.334(a)(2) [Refer to chapter 12-89.1, HAR] was violated because:

- A) A Mikita 955mm Portable cut off saw had damage to the outer insulation on the power cord. The outer insulation on the cord was worn and cracked.
- B) A 3-wire black flexible extension cord had damage to the outer insulation.

29 CFR 1910.334(a)(2) states "Visual inspection. Portable cord- and plug-connected equipment and flexible cord sets (extension cords) shall be visually inspected before use on any shift for external defects (such as loose parts, deformed and missing pins, or damage to outer jacket or insulation) and for evidence of possible internal damage (such as pinched or crushed outer jacket). Cord- and plug- connected equipment and flexible cord sets (extension cords) which remain connected once they are put in place and are not exposed to damage need not be visually inspected until they are relocated."

Location: A) Maintenance shop
B) Dry Mill

Date By Which Violation Must be Abated:
Penalty:

12/28/2009
\$ 0.00



Citation and Notification of Penalty

Company Name: Greenwell Farms Inc
Inspection Site: 81-6581 Mamalahoa Hwy, Kelalakekua, HI 96750

Citation 2 Item 7 Type of Violation: Other

29 CFR 1910.1200(e)(1) [Refer to chapter 12-203.1, HAR] was violate because:

No written hazard communication program was developed or implemented.

29 CFR 1910.1200(e)(1) states "Written hazard communication program. Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, material safety data sheets, and employee information and training will be met, and which also includes the following:

- (i) A list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate material safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and,
- (ii) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas."

Location: Establishment

Date By Which Violation Must be Abated:

01/20/2010

Penalty:

\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313077562

Inspection Dates: 08/03/2009-08/03/2009

Issuance Date: 12/18/2009

Citation and Notification of Penalty

Company Name: Greenwell Farms Inc

Inspection Site: 81-6581 Māmalahoa Hwy, Kelalakēkua, HI 96750

Citation 2 Item 8 Type of Violation: Other

29 CFR 1910.1200(f)(5) [Refer to chapter 12-203.1, HAR] was violated because:

Three plastic containers were not provided with the appropriate labeling.

29 CFR 1910.1200(f)(5) states "Except as provided in paragraphs (f)(6) and (f)(7) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information:

- (i) Identity of the hazardous chemical(s) contained therein; and,
- (ii) Appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with specific information regarding the physical and health hazards of the hazardous chemical."

Location: Nursery

Date By Which Violation Must be Abated:

12/28/2009

Penalty:

\$ 0.00


DARWIN L.D. CHING
Director

FA

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.